



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X	:	PRO SE
FERMIN PENA,	:	Petitioner, : 08 Civ. 3828 (SHS) (THK)
	:	
-against-	:	
H.D. GRAHAM,	:	
	:	
Respondent.	:	
	:	

-----X
THEODORE H. KATZ, United States Magistrate Judge.

This action for a writ of habeas corpus, filed pursuant to 28 U.S.C. § 2254, has been referred to this Court by the Honorable Sidney H. Stein, United States District Judge. In accordance with Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts, this Court has preliminarily considered the Petition. Upon review of the Petition herein, it is hereby:

ORDERED, that the Clerk shall serve, by certified mail, a copy of this Order and the Petition, herein upon the Attorney General of the State of New York and the District Attorney of the County of Bronx; and it is further

ORDERED, that respondent serve and file an answer to the Petition by June 30, 2008; respondent shall address the merits of the petition and the satisfaction of any procedural prerequisites; the answer should be provided in hard copy as well as on a 3 ½ " x 5" diskette in a form compatible with WordPerfect 9; and it is further

ORDERED, that respondent submit to this Court with its answer a copy of relevant portions of the state court record from the state actions(s) arising out of the conviction attacked herein, including, but not limited to, trial transcripts, sentencing minutes, trial court and appellate decisions, appellate briefs and post-trial motions and decisions; and it is further

ORDERED, that any reply by petitioner to respondent's submissions shall be filed and served by July 18, 2008.

SO ORDERED.



Theodore H. Katz
United States Magistrate Judge

Dated: May 21, 2008
New York, New York

Copies mailed this date to:

Fermin Pena
03-A-1587
Auburn Correctional Facility
P.O. Box 618
Auburn, NY 13024